

E-Mile Regeneration and Commercial Thinning Harvest
EA# OR-104-98-18
Decision Document

An Interdisciplinary (ID) Team of the Swiftwater Resource Area, Roseburg District, Bureau of Land Management has analyzed the proposed E-Mile Regeneration and Commercial Thinning Harvest project. This analysis and the "Finding of No Significant Impact" (FONSI) was documented in Environmental Assessment (EA) No. OR-104-98-18. The thirty day public review and comment period was completed on September 17th, 1998. Two letters with comments were received as a result of public review.

The Swiftwater Resource Area Manager has decided to implement Alternative #4 (the Proposed Action Alternative). The proposed action involves the regeneration harvest and partial cut harvest of mature and old-growth timber as well as the commercial thinning of young growth timber in the Little River Adaptive Management Area located in Section 35; T26S R2W, and Section 1; T27S R2W, W.M. Harvest activities will occur on 58 acres of regeneration harvest, 47 acres of partial cut 29 acres of commercial thinning and one acre of road right-of-way clearcut; and harvest approximately 4.3 MMBF of timber. The project will also take place in the Riparian Reserves Land Use Allocation but will not occur in a Key Watershed.

The following objectives will be met by this proposal:

1. Practice ecosystem management as outlined in the ROD and RMP (EA, pg. 2).
2. "Development and testing of approaches to integration of intensive timber production with restoration and maintenance of high quality riparian habitat." (ROD, pg. D-14).
3. In the commercial thinning area: Improve stand health by reducing the excess stocking in the forest stand to increase the growth and vigor of the remaining individual trees and accelerate the development of large conifers of various form and structure for large trees and future recruitment of coarse woody debris (CWD) within the Riparian Reserve.

Decision

It is my decision to authorize the implementation of the Proposed Action Alternative. Section II of the EA describes the proposed action alternative as well as four other alternatives that were considered. The following summary discloses why those alternatives were not selected:

The **No Action Alternative** (alternative #1) was not selected because the EA did not identify any impacts that could not be mitigated through project design features.

The **Clearcut Alternative** (alternative #2) was not selected because it would have resulted in a higher level of temporary road construction and the least protection for in-unit slope failure.

The **Matrix Prescription Alternative** (alternative #3) was not selected because, although it would have an increased protection for in-unit slope failure, it would have resulted in a level of temporary road construction similar to alternative #2.

The **Fifty Percent Canopy Retention Prescription** (alternative #5) was not selected because areas rated as having a low potential for in-unit slope failure were protected to the same degree as areas with a moderate potential.

A paragraph was inadvertently left out of the EA on page 7. This paragraph specifies the project design features for slope protection and is included in this decision.

e. **Measures to protect slope stability** would consist of: (1) grouping retention trees in areas identified by the soil scientist (see soils report, Appendix F) in Unit 35A. These areas have some stability concerns but not enough to warrant Riparian Reserve status. The added root strength of the extra trees would help maintain stability. (2) Areas that could potentially impact the meeting of ACS objectives were dropped from the project (see soils report, Appendix F). (3) New roads would be located in the most stable locations and with proper drainage structures.

The sale date is planned for October 27, 1998 with an expected implementation of the project in the summer of 1999. The contract duration will be 36 months. The project design features for this alternative are listed on pages 6-8 of the EA. These features have been developed into contract stipulations and will be implemented as part of the timber sale contract.

A Seneca Jones letter of June 25, 1997 approved all of the roads proposed for decommissioning except the 27-2-1.3 road and spur #3, therefore this decision includes the decommissioning of the 27-2-1.5 and 1.6 roads, the 26-2-36.0 road and spurs #1, 2 and 4. Decommissioning will consist of: subsoiling of the roadbed, cross drain removal, construction of vehicle barriers, construction of water bars, and mulching and planting with grass and/or conifer species.

The following specifics of the Proposed Action are noted as the result of sale layout:

1). A total of 1677' (0.32 mi.) of temporary road will be constructed. A total of 2.54 mi. of existing road will be renovated and 0.97 mi. of existing road will be decommissioned.

2). In the regeneration harvest areas approximately 627 retention (green) trees greater than 20" DBH will be maintained, pre-harvest. This equates to 9.2 green trees/acre. The RMP calls for 6 to 8 green trees/acre. Retention trees are reserved in a scattered arrangement of individual trees as well as occasional clumps of two or more trees. The average retention tree diameter is 37" DBH with 49% being Douglas firs. A total of 141 conifers less than 20" DBH and a total of 13 hardwoods greater than 20" DBH were also reserved although not required by the RMP. In the partial cut units, approximately 26.0 green trees per acre greater than 20" in diameter will be left.

3). In the regeneration harvest areas, approximately 102 snags greater than 20" in diameter breast height (DBH) and 20' in height will be maintained, pre-harvest. This equates to 1.5 snags/acre. The RMP (pg. 64) requires that sufficient snags be retained to meet 40% of the potential population level for cavity nesting birds. Wildlife biologists have determined this to be 1.2 snags per acre averaged on a 40 acre basis. The snag retention levels within the units alone would therefore meet

the population needs of cavity nesters at a level of 50% of potential population, pre-harvest. In the partial cut units approximately 26.0 green trees and 0.9 snags per acre greater than 20" in diameter will be left, preharvest.

4). Approximately 6194 linear feet of existing class #1 and #2 down logs (coarse woody debris) were found in the regeneration harvest units and will be maintained pre-harvest. This equates to 91 linear feet/acre. The RMP guideline is for 120 linear feet/acre. As specified in the RMP, extra green trees were left to meet this deficit. In this case an additional 1.2 green trees/acre were left that would serve for future recruitment of down logs in the size specified in the RMP.

Decision Rationale

The Proposed Action Alternative meets the objectives for lands in the Adaptive Management Area and follows the standards and guidelines set forth in the ROD, dated April 13, 1994 and the RMP, dated June 1995.

Cultural clearance with the State Historical Preservation Office was completed and resulted in a "No Effect" determination.

Consultation with U.S. Fish and Wildlife Service for this project has been completed. The Biological Opinion concluded that the proposed action is ". . . not likely to jeopardize the continued existence of the bald eagle, peregrine falcon, spotted owl or murrelet or adversely modify designated critical habitat for spotted owl or murrelets".

Consultation under Section 7(a)(4) of the Endangered Species Act has not been completed with the National Marine Fisheries Service (NMFS) on the Umpqua River cutthroat trout, Oregon Coast steelhead trout and Oregon Coast coho salmon. The sale contract will not be awarded until a final biological opinion or letter of concurrence, which includes a non-jeopardy determination, has been received. The sale was designed to follow the guidance of the RMP and the NFP, and to incorporate mitigations identified in the consultations on previously listed salmonids, as appropriate. Therefore, it is our expectation that the Biological Opinion will not make a jeopardy determination nor prescribe any reasonable and prudent measures or terms and conditions that are not already part of the sale design and mitigation. Because the United States retains the right to reject any and all bids for any reason, the mere offering of the sale does not make any irreversible or irretrievable commitment of resources which have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. If additional reasonable and prudent alternative measures or terms and conditions are prescribed which would require alteration in the terms of the sale contract, the agency retains the discretion (prior to contract award) to adjust the sale design accordingly and readvertise the sale if necessary.

This project received extensive review for consistency with the Aquatic Conservation Strategy (ACS) objectives by the ID Team as well as the Level I Team during formal consultation with the National Marine Fisheries Service (NMFS). A finding of consistency was made in the FONSI subject to completion of consultation with NMFS.

This decision is based on the fact that the Proposed Action Alternative implements the Standards and Guidelines (S&Gs) as stated in the ROD and RMP. The project design features as stated in the EA would protect the Riparian Reserves, minimize soil compaction, limit erosion, protect slope stability, wildlife, air, water quality, and fish habitat, as well as protect other identified resource values. This decision recognizes that impacts will occur to the resources, however, the impacts to these resource values would not exceed those identified in the Final Supplemental Environmental Impact Statement (FSEIS). The Proposed Action Alternative provides timber commodities with impacts to the environment at a level within the bounds of the FSEIS.

Comments were solicited from affected tribal governments, adjacent landowners and affected State and local government agencies. No comments were received. During the thirty day public review period, comments were received from Umpqua Watersheds, Inc. (Francis Eatherington) and the Little River Committee (Nancy Stern). None of the comments provided new information which should be considered in this decision. Most of the comments are the result of a difference of interpretation over the Northwest Forest Plan ROD, opposition to BLM policy or opposition to harvest of timber on Federal lands. Several comments warrant clarification:

! On page 4 of the ...Environmental Analysis, the “Proposed Action” would harvest “3.6 MMBF”. On page 5, the Proposed Action” would harvest “4.3 MMBF”. Which is it?

The 3.6 MMBF was an estimated volume. The 4.3 MMBF figure is the result of final timber cruise information. The original EA had the estimated figure on page 5. When the EA was redone the estimated figure on page 5 was replaced with the final figure. The figures on page 4 are intended for comparative purposes only.

! The received comments imply that the proposed action is composed of only regeneration harvest, is entirely within the Lower Emile watershed, and is out of line with the watershed analysis recommendations.

Of a total of 135 acres in the sale area, which is composed of not only regeneration harvest but 50% canopy retention treatments and thinning, less than 26 acres will be harvested with a regeneration system in the Lower Emile Watershed. Middle Little River Watershed is where the majority of the sale acreage is located (84 acres).

The recommendations in the Little River Watershed Analysis fully support the limited actions in the Lower Emile Watershed. The objective for reference basins is to “protect and maintain riparian areas where these functions are currently intact”(LR Watershed Analysis, R-17). Riparian buffers for the proposed action in most cases exceed interim Riparian Reserve standards for size and address the Aquatic Conservation Strategy (NFP B-31& C-32) for restoring large conifers to riparian areas. Riparian areas associated with E-Mile Regeneration and Commercial Thinning Harvest will not only be maintained but will be improved.

! Activities on private land insufficiently included

This comment maintains that BLM has not considered the impacts on private lands when designing projects, therefore projects in watersheds heavily impacted by private practices should not be implemented. Future plans by private are not generally available to the federal agencies for planning purposes. The FSEIS recognized this and took this into consideration, “... impacts from expected management activities on nonfederal lands were considered as part of the cumulative effects analysis

in this SEIS in accordance with the requirements of NEPA [FSEIS, pg. 2-7].” The FSEIS discusses the cumulative effects of nonfederal lands on the aquatic ecosystem (pg. 3&4 -82) as follows: “The Aquatic Conservation Strategy is a habitat-based approach to maintaining and restoring aquatic and riparian habitats and watersheds on federal lands ... **The success of the strategy does not depend on actions on nonfederal lands** [emphasis added]. ... Thus, the strategy can succeed ... independent of actions on nonfederal lands.” The EA shows that the impacts of the federal action would be insignificant at the fifth-field scale and therefore would not significantly affect the existing baseline.

An evaluation of nonfederal actions in cumulation with a proposed federal action is inherent in the formal consultation process. The FEMAT (pg. V-60) states that “If Section 7 consultations are necessary for listed species, the effects of the federal action will be evaluated with the cumulative effects of nonfederal actions to determine whether there may be a jeopardy ...” The effects of nonfederal and federal actions were considered during consultation for T&E terrestrial species with the USF&WS and resulted in a nonjeopardy call. BLM has not received a Biological Opinion from NMFS for T&E aquatic species but anticipate a nonjeopardy call as well. As stated previously, a jeopardy call by NMFS would nullify this decision.

! EA failed to consider that DEQ added Emile Creek to Oregon’s 1998 Section 303(d) List of Water Quality Limited Waterbodies.

The EA should have cited in the Affected Environment section that DEQ proposes to list the lower reach of Emile Creek as water quality limited for water temperature and pH in its 1998 listing in order to reflect the most current State assessment. It should be noted that this listing presently is only a draft and has not completed public review. The Biological Assessment shows that temperature will be maintained at even the sixth-field level. Some research on the pH question suggests but does not show a conclusive relationship between timber harvest and pH. This project will have Riparian Reserves in excess of that required by the NFP that will mitigate any potential effects created by harvest.

Compliance and Monitoring

Monitoring will be conducted as per the guidance given in the ROD and the RMP.

The charge of the Little River Adaptive Management Area is "Development and testing of approaches to integration of intensive timber production with restoration and maintenance of high quality riparian habitat." (ROD, pg. D-14). Two studies will be included in this project:

- (1) The effect of upgrading the transportation system to RMP standards (i.e. installing additional cross drains and upgrading stream crossings) and how it will reduce the effective defacto extension of the drainage network due to roads.
- (2) A study of nonpoint source pollution will be undertaken by the Area soil scientist to determine if any sedimentation is being input into the stream system by this project.

Protest and Appeal Procedures

As outlined in Federal Regulations 43 CFR, 5003.3, "Protests of ... Advertised timber sales may be made within 15 days of the publication of a ... notice of sale in a newspaper of general circulation." Protests shall be filed with the authorized officer (John L. Hayes) and shall contain a written statement of reasons for protesting the decision. Protests received more than 15 days after the publication of ... the notice of sale are not timely filed and shall not be considered. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her. The authorized officer shall, at the conclusion of his/her review, serve his/her decision in writing to the protesting party. Upon denial of a protest ... the authorized officer may proceed with the implementation of the decision.

For further information, contact John L. Hayes, Area Manager, Swiftwater Resource Area, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

John L. Hayes, Area Manager
Swiftwater Resource Area

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